

Legislation.

THE TRAVANCORE WIDTH OF TYRES BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I rise to introduce the Width of Tyres Bill. It has been published in the *Gazette* with a statement of objects and reasons; and I now beg to move that the Bill be read in Council.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I shall now briefly explain the principles that are sought to be carried out by this Bill. This Bill relates to springless carts, what are ordinarily called (ചക്കിടാവനികൾ) *Chakkidavancies*. The regulations sought to be made by this Bill fall under two heads. One is in respect of the width and the shape of the tyres of the wheels of springless carts it being provided that the minimum width shall be 2 inches and that the surface shall be even-bearing across its full width.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*): May I know wherefrom the member got these measurements?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): In the clauses of the Bill, they are given.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*): May I know the basis for such measurements?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): They were supplied by the Chief Engineer. That is one regulation that is sought to be made in regard to these springless carts.

The other is in regard to the load that the cart may carry. That is provided for in clause 5. It prescribes the maximum load per inch width of the tyres. It is these two restrictions that are sought to be placed in regard to the use of these carts. The load that may be carried in the cart will vary in accordance with the nature of the road. That is also specifically laid down in clause 5. These two are the restrictions that are sought to be carried out by this Bill in regard to the use of these carts. In order that there may be better control, in order to ensure that these conditions are satisfied—particularly the condition regarding the width and surface of the tyre—it is proposed that the carts should be brought under registration. If the carts are registered, it would be easy to know whether a particular cart has the particular width of tyre or not. It is laid down, as a condition, that no cart will be registered unless it satisfies the restriction in regard to the width and surface of the tyres. So, by registration, it is sought to be ensured that these carts have the necessary width of tyres. These are the principles, in brief, involved in the Bill. The reason for introducing the Bill is this. Travancore is maintaining a large mileage of roads in very good condition, and it has been found that the narrow tyred springless carts cause serious damage to the roads. To minimise such damage, restrictions with regard to the width and surface of the tyres and the load to be carried on each vehicle are sought to be imposed.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*): Has the member any idea of the width of tyres of these carts now?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): In some, it is $1\frac{1}{2}$ inches and in others it is $1\frac{3}{4}$ inches.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara*): Is there a similar enactment in British India?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara*): In any part of India?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No, so far as I have been able to trace.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*): In Ceylon, please?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No, I think.

MR. S. KRISHNA PILLAI (*Karunagapalli*): In any part of the world?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes, in a state in Australia; but that is not exactly like this.

MR. A. THANU PILLAI (*Trivandrum*): May I know the load now ordinarily taken in a springless cart?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It is not uniform.

MR. A. THANU PILLAI (*Trivandrum*): Suppose we take the case of one cart-load of fuel that is taken from Neduvangad.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It may be as much as a ton, roughly.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): Do the tarred roads come under clause 3 of this Bill?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I think they are treated as metalled roads under the Bill.

MR. A. THANU PILLAI (*Trivandrum*): Now, if the width of the tyre is increased, how would that affect the balls?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I am not in a position to say that and I shall not hazard an answer.

MR. A. THANU PILLAI (*Trivandrum*): May I know what is the weight that a cart can ordinarily carry?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I can't say definitely; it varies.

MR. A. THANU PILLAI (*Trivandrum*): I put that question in reference to clause 5, which prescribes one-fourth of a ton per inch width of the tyre if the road is a metalled one, one-sixth if a gravelled one and one-eighth if the road is any other kind of road. May I know what, ordinarily, is the weight that a cart can carry?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I cannot say. It will be nearly a ton, perhaps.

MR. A. THANU PILLAI (*Trivandrum*): I want to know whether any information is available?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I have answered that.

MR. A. THANU PILLAI (*Trivandrum*): Then, may I know what is the ordinary weight a cart can carry in a metalled road?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The Chief Engineer will speak presently, and the members can clear all these doubts then.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*): With whom is the Law Member going to entrust the enforcement of the provisions of this Regulation?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The Government have not decided that point. I presume the P. W. D. will be given the charge of the work.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Is the member aware whether any officer has conducted any experiments on this matter?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I am not aware.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Will the member please state whether anybody else is aware of that?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I have drafted this Bill on the reports of the Chief Engineer.

MR. A. THANU PILLAI (*Trivandrum*): May I know whether this is an original piece of legislation or a copy or adaptation of the Australian law?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It is an original Bill.

RAO BAHADUR A. VENKATARAMA AIYAR (*Nominated, Deputy President*): May I know whether this Bill would apply to springless carts which are used for passenger traffic in some places in South Travancore and in Shencotta?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes.

RAO BAHADUR A. VENKATARAMA AIYAR (*Nominated, Deputy President*): So, in spite of the fact that they are meant for passenger traffic, the Bill would be applied to them?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Registration is insisted upon in regard to the width of the tyres. There is no restriction made in regard to the number of passengers. The Bill does not apply to carts with springs.

RAO BAHADUR A. VENKATARAMA AIYAR (*Nominated, Deputy President*): By the mere fact that they have no springs and have instead, a small piece of wood, are we to understand that they cause as much damage to the roads as the carts which carry heavy loads?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): In fact I may say that, when this measure was drafted, such springless passenger vehicles were not contemplated. Now that Mr. Venkatarama Aiyar has put forward that point, it may be considered in the committee stage. Some other provisions of the Bill also may require re-shaping. All that can be done in the committee.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*): Are we to offer our remarks *before* the Chief Engineer speaks? As the Law Member was not in a position to satisfy the doubts raised by the members on this side of the House, we are awaiting the Chief Engineer's speech.

MR. J. S. WESTERDALE (*Chief Engineer*): I have not come prepared with any speech, but I shall offer a few remarks on the general principle of the Bill.

The necessity for broader tyres for springless carts has been felt throughout India for many years; and in many parts of India motions have been made from time to time to introduce legislation for the width of tyres. The reason why nothing has been done is, I think, that no Government had the courage to do it. I hope the Travancore Government will give the lead, in this matter, to the whole of India. There is no doubt that more damage is done to roads by springless carts with narrow tyres than by any other vehicles. Even the heaviest motor car does not do so much damage; and it may be a surprise to some of the members to know that a steam roller, which weighs about 15 tons, when it works on the road, does not do so much damage as the ordinary springless carts with narrow tyres.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): May I know whether the Chief Engineer has made any special enquiry or experiment in this matter?

MR. J. S. WESTERDALE (*Chief Engineer*): I have not made any experiments. It is a very simple mathematical calculation. Take the width of the tyre, divide it by the load and the area of the road along which it passes. There is no need for any experiment.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*): May I know whether there are any particular reasons why such a piece of legislation has not been resorted to in other parts of India?

MR. J. S. WESTERDALE (*Chief Engineer*): Please repeat the question.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*): It has been stated by the Chief Engineer that such a piece of legislation is not in vogue elsewhere. Why is it?

MR. J. S. WESTERDALE (*Chief Engineer*): Because, in those countries it is the custom to have wider tyres.

In fact, I have a report from the Executive Engineer, Alwaye, which says that some country carts carry more than 2 to 3 tons.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*): May I know what is the width of tyres of such carts in Mysore?

MR. J. S. WESTERDALE (*Chief Engineer*): I have no information.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*): In Cochin?

MR. J. S. WESTERDALE (*Chief Engineer*): I have no information.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*): In Baroda?

MR. J. S. WESTERDALE (*Chief Engineer*): I have no information. I have never been to Baroda.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*): Then, am I to understand that the Chief Engineer has made that observation without actually studying the width of tyres obtaining in other parts of India?

PRESIDENT: Mr. E. V. Krishna Pillai wants the width of tyres existing in other parts of India; and your statement was with reference to the width of tyres in countries outside India.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*): The Chief Engineer is not, I suppose, in a position to tell us why such legislation has not been thought of in other parts of India.

MR. J. S. WESTERDALE (*Chief Engineer*): I am not able to say that.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*): That means there is no particular reason why such a legislation should be enacted in Travancore alone.

MR. J. S. WESTERDALE (*Chief Engineer*): I was saying, Sir, that the necessity for introducing this Bill has been recognised in other parts of India. To be more precise, the necessity has been recognised in the Madras Presidency. I know that from first-hand knowledge. The necessity has been felt all over India, I know. It is particularly necessary in Travancore. Travancore is having a good set of roads and serious damage should not be caused by springless carts. I may give one or two typical examples of the damage done to roads by these springless carts. The Chalai bazaar, for instance, where the road is very very narrow, is mostly frequented by springless vehicles. On account of heavy cart traffic the road is seldom in good condition, in spite of all that the Department is doing to maintain it properly.

There is the Manavalakurihi-Colachel road which is also in a badly rutted condition, because of the heavy cart traffic. The carts that pass through that road are mainly springless carts with iron tyres. What we aim at is to give the Government, power, at least to control vehicular traffic. It does not follow that immediately after the introduction of this measure it would be enforced throughout the State. Only, Government should have the power to control such traffic, and see that these carts generally have tyres of particular dimensions.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*): What are the toll fees intended for?

MR. J. S. WESTERDALE (*Chief Engineer*): For the maintenance of roads.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*): And, is such maintenance necessitated by the damage caused by the vehicles that go on them?

MR. J. S. WESTERDALE (*Chief Engineer*): The tolls are intended for the proper maintenance of roads.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*): Am I correct in concluding that toll fees are intended as compensation for the damage done by the vehicles going along particular roads?

MR. J. S. WESTERDALE (*Chief Engineer*): I have already answered that question.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*): Are the toll fees levied as a sort of general revenue?

MR. J. S. WESTERDALE (*Chief Engineer*): No.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*): Then, is it not a special revenue affecting only the vehicles?

MR. J. S. WESTERDALE (*Chief Engineer*): Yes; that is because the roads get damaged by traffic.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*): The damage is caused by these vehicles, I suppose?

MR. J. S. WESTERDALE (*Chief Engineer*): Yes.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*): Is that due to want of springs in the carts?

MR. J. S. WESTERDALE (*Chief Engineer*): Yes.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*): That is why an additional burden is sought to be imposed upon springless carts?

MR. J. S. WESTERDALE (*Chief Engineer*): That is why provision is sought to be made for suitable tyres which are far cheaper than providing these carts with suitable springs.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*): In the first place, the vehicles have to pay tolls. When this Regulation comes into force, they have to pay the registration fee also.

MR. J. S. WESTERDALE (*Chief Engineer*): Tolls are paid only to the extent necessary for the proper maintenance of the roads.

MR. K. P. ABRAHAM (*Muvattupuzha cum Todupuzha*): May I know the nature of the harm that is caused by narrow-tyred vehicles?

MR. J. S. WESTERDALE (*Chief Engineer*): They plough deep into the roads and cut them, and cause ruts on the roads.

MR. K. P. ABRAHAM (*Muvattupuzha cum Todupuzha*): Will not carts with springs cause the same damage?

MR. J. S. WESTERDALE (*Chief Engineer*): Very little compared to the springless carts. Any iron-wheeled vehicle will cause a certain amount of damage.

MR. A. THANU PILLAI (*Privandrum*): May I know how this increase in the width of tyres will affect the bulls? Will it increase the strain or diminish the strain?

MR. J. S. WESTERDALE (*Chief Engineer*): The member may put that question to the Director of Agriculture.

MR. A. THANU PILLAI (*Trivandrum*): I thought it is more a simple mathematical proposition involving knowledge of *dynamics* or laws of pressure or resistance than one of agriculture; so, the Chief Engineer will be in a better position to answer that question than the Director of Agriculture.

MR. J. S. WESTERDALE (*Chief Engineer*): If the tyres are broad, within limits, it would be easier for the bull.

MR. A. THANU PILLAI (*Trivandrum*): This increase up to two inches, is it considered to be *within limits*?

MR. J. S. WESTERDALE (*Chief Engineer*): Yes.

MR. A. THANU PILLAI (*Trivandrum*): Has the Chief Engineer any idea of the extent to which the price of fuel and other things would be affected if this legislation is introduced? I want to get some data. I shall make the point more clear. One cart-load of fuel in the town of Trivandrum costs about Rs. 9. The Law Member told us that one cart-load may weigh approximately one ton. It is provided in the Regulation that half a ton alone would be taken in a cart. Taking the weight of the cart also into account, only less than half a ton could be taken in a cart. Under such circumstances, is it not likely that the price of fuel would rise to twenty-five rupees? Is it not a very serious danger to the general public?

MR. J. S. WESTERDALE (*Chief Engineer*): The cart should not be heavily loaded. The information asked for by the member, in regard to load permissible in carts, is given in Section 5.

MR. A. THANU PILLAI (*Trivandrum*): The Nedumangad-Trivandrum road is a metalled road. In Section 5, it is stated that one-fourth of a ton per inch width of the tyre would be the maximum load if the road is a metalled one. This is for two wheeled carriages. The two wheels together would have four inches width of tyres; if the tyres are as per the provisions in the Bill. So, for metalled roads such a cart can carry a ton less the weight of the cart. Am I correct?

MR. J. S. WESTERDALE (*Chief Engineer*): Yes.

MR. A. THANU PILLAI (*Trivandrum*): If the cart has four wheels?

MR. J. S. WESTERDALE (*Chief Engineer*): It can carry nearly two tons on metalled roads.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): What is the weight that a cart can ordinarily take?

MR. J. S. WESTERDALE (*Chief Engineer*): I do not know.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): Suppose the load is more than half a ton; would it be in accordance with sub-clause (3)?

MR. J. S. WESTERDALE (*Chief Engineer*): These are matters which may be examined by the Select Committee.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): Without ascertaining the weight of an ordinary cart, is it proper to say that no person shall carry a particular weight?

MR. J. S. WESTERDALE (*Chief Engineer*): If it causes serious damage to the road, that matter has to be guarded against.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): My question is whether any attempt has been made to ascertain the weight of an ordinary cart?

MR. J. S. WESTERDALE (*Chief Engineer*): I have no information.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): Is it not likely that the result might be, if this Bill becomes law, that springless carts would never be allowed to carry any substantial load?

MR. J. S. WESTERDALE (*Chief Engineer*): They can surely carry nearly half a ton.

MR. A. THANU PILLAI (*Trivandrum*): Is the weight sought to be restricted on account of the narrowness of the tyres?

MR. J. S. WESTERDALE (*Chief Engineer*): Yes; for a particular width of the tyres the load has to be within limits in the interest of the roads.

RAO BAHADUR A. VENKATARAMA AIYAR (*Nominated, Deputy President*): Has the question been examined with reference to any statistics? Has any report been called for from the subordinate officers as to the number of carts (with tyres less than two inches in width) now plying, and the number of carts that have the minimum width laid down in the Bill now?

MR. J. S. WESTERDALE (*Chief Engineer*): It is a well known fact that tyres of broader width are not imported into India. As such, how can we find any cart with two inch tyres?

RAO BAHADUR A. VENKATARAMA AIYAR (*Nominated, Deputy President*): Does it mean that broader tyres are not made here?

MR. J. S. WESTERDALE (*Chief Engineer*): I have not correctly understood the question.

RAO BAHADUR A. VENKATARAMA AIYAR (*Nominated, Deputy President*): I want to know whether the Public Works Department has been asked to furnish details in regard to the number of carts having narrow tyres. Has any experiment been conducted to ascertain the amount of damage caused to the roads by springless carts with such tyres?

MR. J. S. WESTERDALE (*Chief Engineer*): No experiment has been conducted. There was no need for it. It is generally known among the road engineers that considerable damage is being done by carts with narrow tyres.

RAO BAHADUR A. VENKATARAMA AIYAR (*Nominated, Deputy President*): That is a general statement. But, something more specific in regard to Travancore is necessary. So far as the particular roads that have been mentioned are concerned, the number of carts plying and the probable loss done by them to the roads could have been estimated. I wish to know whether any such figures are available.

MR. J. S. WESTERDALE (*Chief Engineer*): No figures are available. I cannot see what bearing those figures would have on the question before the House.

RAO BAHADUR A. VENKATARAMA AIYAR (*Nominated, Deputy President*): I require the information as this is a novel legislation. It is in fact a novel legislation as far as India is concerned. Nowhere else in India has such a legislation been passed. We want to know the extent of loss that could be avoided by such a piece of legislation here.

MR. S. KRISHNA PILLAI (*Karunagapalli*): How did the Chief Engineer come to know that the damage done to the roads by the springless carts is more than that done by other vehicles?

MR. J. S. WESTERDALE (*Chief Engineer*): Officers of the P. W. D. have watched and found out that damage is being done by these carts more than by any other vehicles.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Is the Chief Engineer in possession of any reports made by any of the subordinate officers?

MR. J. S. WESTERDALE (*Chief Engineer*): I have already said that it is generally known to the road engineers that damage is being done to roads by springless vehicles. I have had several verbal reports from officers who have actually watched the wheels of the carts sinking into the roads and damaging them.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Has the Chief Engineer ascertained the correctness of those reports?

MR. J. S. WESTERDALE (*Chief Engineer*): I myself know it from personal observation.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Is it only an off-hand observation or is it a thorough scientific observation that the Chief Engineer has made?

MR. J. S. WESTERDALE (*Chief Engineer*): I have some scientific knowledge and training; so, it may be supposed that I use them when I observe or watch such matters.

MR. S. KRISHNA PILLAI (*Karunagapalli*): I am not disputing the member's scientific knowledge. I only wish to know whether he has actually made a scientific observation in this matter.

MR. J. S. WESTERDALE (*Chief Engineer*): I do not exactly understand what the member means.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Is the member sure that there might not be other reasons why our roads get wasted up soon? In addition to the havoc done by the springless carts, are there not other reasons why our roads get damaged much quicker than roads elsewhere?

MR. J. S. WESTERDALE (*Chief Engineer*): There may be other reasons also.

MR. S. KRISHNA PILLAI (*Karunagapalli*): May I know how much money is spent per mile annually for the maintenance of our metalled and gravelled roads?

MR. J. S. WESTERDALE (*Chief Engineer*): That varies very considerably in different parts of the State. An average rate for good metalled roads is about Rs. 500.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Does not the member think that, if the whole of the maintenance allotment is spent on the roads, they would stand much longer than at present?

MR. J. S. WESTERDALE (*Chief Engineer*): I may assure the member that the whole of the maintenance grants is being spent on the roads.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Is the member sure that all the Rs. 500 per mile is being spent on the roads?

MR. J. S. WESTERDALE (*Chief Engineer*): Yes; and I do not think our roads become worn out more quickly than roads in other parts of India.

MR. S. KRISHNA PILLAI (*Karunagapalli*): My point, Sir, is that if the damage to our roads is proved to be due more to the fault on the part of the officers concerned than to the width of tyres of springless carts, I think we had better legislate on some other matter rather than on the width of tyres.

MR. J. S. WESTERDALE (*Chief Engineer*): As a large part of the revenues of the State is spent on keeping our roads in good condition—

MR. S. KRISHNA PILLAI (*Karunagapalli*): I wish to know whether the Chief Engineer has made any scientific observation in the matter? Did he mark out, say, a mile of metalled and gravelled road, have a specified number of carts to be drawn along and with tyres of different width drawn along them, and then ascertain the result? That is perhaps, one of the best ways of seeing whether the roads are really damaged on account of the springless carts, and whether such damage is due to the narrowness of the tyres. We should not be asked to rely upon hasty and verbal statements given by subordinate officers. We want to have an assurance in regard to this from the Chief Engineer and unless we get it we are not prepared to accept the statement. We must be satisfied that there is an urgent necessity for such a piece of legislation.

MR. J. S. WESTERDALE (*Chief Engineer*): May I know on what point the member wishes to have an assurance?

MR. S. KRISHNA PILLAI (*Karunagapalli*): I wish to know whether the Chief Engineer has conducted any personal observation in regard to this matter?

MR. J. S. WESTERDALE (*Chief Engineer*): My answer is, 'Yes.'

MR. S. KRISHNA PILLAI (*Karunagapalli*): Will the member please put us in possession of the results of his observation?

MR. J. S. WESTERDALE (*Chief Engineer*): The damage done to roads by springless carts is greater than the damage caused by other vehicles. That is the result of my observation.

MR. A. THANU PILLAI (*Trivandrum*): Can the Chief Engineer tell us what the cost of making two wheels, as contemplated by this Bill, would be?

MR. J. S. WESTERDALE (*Chief Engineer*): I have no information regarding that.

MR. A. THANU PILLAI (*Trivandrum*): May I know the approximate number of springless carts in the State?

MR. J. S. WESTERDALE (*Chief Engineer*): I cannot say. I think it has been estimated *approximately*, but the *exact* number is not known. I have no information on that point.

MR. A. THANU PILLAI (*Trivandrum*): I wish to get the information just to see how much money will have to be spent for making the new wheels within one year for the carts now in existence.

MR. J. S. WESTERDALE (*Chief Engineer*): Government propose, first of all, to experiment this measure in a particular area before extending it wholesale, throughout the State.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): Is it the member's opinion that roads which are mainly used by the springless carts are more quickly damaged than other roads?

MR. J. S. WESTERDALE (*Chief Engineer*): Yes.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): May I know whether the Government are spending a larger sum for maintaining these roads than those which are not mainly used by these springless carts?

MR. J. S. WESTERDALE (*Chief Engineer*): In some cases, I know it is so. But, I cannot say it is generally the case.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): Do the roads used by these springless carts consume more money than the other roads?

MR. J. S. WESTERDALE (*Chief Engineer*): I have mentioned the case of two roads *viz.*, the first eight miles of the Main Southern road and the Colachel-Rajakkamangalam road.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): May I know what is the annual maintenance per mile for the Colachel-Rajakkamangalam road?

MR. J. S. WESTERDALE (*Chief Engineer*): I am not quite certain about the figure. I think it comes to about Rs. 150. It is totally inadequate, and the Executive Engineer has, for the last several years, been pressing for an increase.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): What is the maximum allotment per mile of road in the State?

MR. J. S. WESTERDALE (*Chief Engineer*): Rs. 1,750.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): Is it for the first 8 miles of the Main Southern road?

MR. J. S. WESTERDALE (*Chief Engineer*): That portion also gets that allotment and also for a greater length.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): Is it the opinion of the Chief Engineer that more than Rs. 1,750 should be allotted for the Colachel-Rajakkamangalam road which is used by the springless vehicles?

MR. J. S. WESTERDALE (*Chief Engineer*): I do not think it would require as much as the Main Southern road, for this reason. The bullock-carts are the initial cause of the damage; and once the road has been damaged, the heavy bus traffic contributes its share, and thus the damage is developed. In the case of the Rajakkamangalam-Colachel road, there is not much of motor-bus traffic; so the damage caused by the bullock-carts is not developed further.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): May I know whether the Kayankulam-Adur road is used by the springless carts?

MR. J. S. WESTERDALE (*Chief Engineer*): I believe so.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kariikapalli*): What is the annual cost of maintenance, per mile of that road?

MR. J. S. WESTERDALE (*Chief Engineer*): I cannot give an off-hand reply. There are so many roads in the State, and every one of them, has got its own maintenance grant. I cannot therefore give a reply to the question without referring to the list.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): May I know whether the Chief Engineer has ascertained the extent of the damage that is caused by the springless carts to the important road of the State?

MR. J. S. WESTERDALE (*Chief Engineer*): The evidence which we have is sufficient to prove that considerable damage is being caused to roads on account of the springless carts passing through them.

MR. K. P. ABRAHAM (*Muvattupuzha cum Todupuzha*): Am I to understand that, if we enforce this legislation, and if all the tyres are made of the width as provided in the Bill, no more damage would be caused to the roads?

MR. J. S. WESTERDALE (*Chief Engineer*): No; but the damage will be greatly reduced. The damage cannot entirely be avoided.

MR. K. P. ABRAHAM (*Muvattupuzha cum Todupuzha*): May I know how many sacks of paddy or rice can ordinarily be loaded, on one of these carts, without violating this Bill?

MR. J. S. WESTERDALE (*Chief Engineer*): Fourteen sacks of rice at 162 pounds per sack, would be the reasonable load for metalled roads, 7 sacks of rice on earthen roads and 11 sacks on gravelled roads.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): I suppose, in all these cases, the cart must be weightless.

MR. J. S. WESTERDALE (*Chief Engineer*): It is only on that calculation that I am giving the figures. It is not a difficult matter to make allowance for the weight of the cart.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*): Sir, I oppose the principle of the Bill. In the first place, no strong case whatsoever has been made out by the Government members in support of the suggestion that it is the springless carts that are responsible for the damage that is being done to our roads. And, this is quite a novel

piece of legislation as observed by the Deputy President. There is this very important aspect of the question *viz.*, that nowhere in India, and particularly, nowhere on this coast where climatic conditions are the same throughout, is such a piece of legislation in vogue. We would be introducing a very unwholesome element in this country if we pass this into law; because it hits hard thousands and thousands of *poor* people. It is a matter of common experience that these poor people, a major portion of them, live entirely upon the trade conducted with the help of these springless carts; and so, if these people are held responsible for the damage that is being done to the roads, certainly, it would be very hard. Further, as was suggested by Mr. Thanu Pillai, it will inaugurate another danger in respect of the price of the commodities in the State; because it is by means of these carts that we get down vegetables, fuel, hay and many other necessities of our daily life. If this Bill becomes law, I am quite sure the next day, prices will go up like anything; and all this to fight an evil the existence of which neither the Law Member nor the Chief Engineer has been able to prove.

As regards the provisions of the Bill, there are three or four places where much is left to be done by some petty subordinates of either the Public Works Department or of the well-known Police Department. I am quite sure that everyone of my friends will stoutly oppose the suggestion that the Police should have anything to do with this. We have had too much experience of them: and it is not very palatable to think of that. The Police are now allowed to handle cases of overloading in motor cars; and even there, false allegations are made by them and cases concocted. Only counting of heads is necessary there. In this case it is not such a kind of examination that is contemplated by this Bill. The petty subordinates have to ascertain the width of tyres by measurement, and under Section 5, also the weight of the load. The subordinate officers have also to see whether the registration mark has been obliterated. Under Section 7, the court can interfere. It is up to anybody to take the cart to the Court, and the Court has elaborate powers. It can detain or keep the cart for any number of days, and can even seize it. This is a very hard piece of legislation sought to be imposed on the poor people. There is this aspect of the question also. Toll fees are being levied on springless carts as well; and, my impression has all along been that the levy of toll fees would be justifiable only on the ground that it compensates the damage done to the roads. Now, in preference to all other kinds of vehicles, the Bill seeks to impose upon the poorest section of the vehicle-keepers, a very unjustifiable tax by introducing part (b) of sub-section (2), of Section 8. This is found to be in no way necessary even after the elaborate support which it has had at the hands of the Chief Engineer. In view of the fact that this Bill would lead to very unwholesome consequences, and also in consideration of the fact, that this is going to hit hard the *poorest* section of His Highness's subjects, I think it would be very mischievous if this Bill were allowed to be introduced and referred to a Select Committee.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): Sir, I rise to oppose the principle of the Bill. The reasons adduced by the Law Member for introducing this Bill are far from satisfactory; and much less the replies given by the Chief Engineer. The Bill in question has to be amended before it is passed into law and the best way of amending it is to throw it off. In the statement of objects and reasons, the Law Member says:

"It has been brought to the notice of Government that increasing damage is caused to the roads in the State....."

No doubt, some damage is caused. The only question at issue is whether such damage is so serious as to need this Bill. A man walks along the road; some damage is caused. A cat walks along the road; here also some damage is caused. A rat runs along a road, and scientifically there is some damage caused. The only relevant question at issue is whether this damage is so serious as to need an enactment like this. I should think that the damage is not appreciable; and therefore there is no imperative necessity for passing this dragon's bill which is written in letters of blood. Now, with regard to Section 6, the Law Member, who has a highly legal, critical acumen has unfortunately fallen into a pit. There are some Sections in the Indian Penal Code, Sections 126, 127 and 129; much has been said both in the press and in the platform in regard to these three Sections. Here, we have the Law Member coming forward with a provision that anybody who violates the provisions of Section 3 and Section 5 could be convicted and fined. This sounds like an ordinance of which we hear a good deal now in British India. This spirit of ordinance must go.

Then, as regards overloading, we can very well understand the penalising of overloading of buses. If in a 24 seater there are 25 persons, a case of overloading is easily made out. It is only a matter of counting. But, in the case of the carts why should overloading be penalised? If there is overloading, the two ill-fed bulls will not be able to drag the cart at all. The axle may break. So, in the case of an ordinary bullock-cart, the question of overloading does not arise at all. I therefore think that this Bill deserves only to be put into the waste paper basket; and hope that the whole House will vote against it. With these few words, I oppose the motion.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): Sir, I rise to oppose the principle of the Bill. I do so, not because the Bill is a novel one. That is not the reason which induces me to oppose the principle of the Bill at all. We can very well consider the Bill on its merits, irrespective of the fact whether it has been introduced in any other part of India, or for the matter of that, in any part of the world, or not. If the Bill is to prevent a real danger, and if the Bill is of any real help, we will accept the bill and will help the passage of it irrespective of the fact whether it has been introduced in other part of the world or not. My main objection to the present Bill is that, after all, in the practical working of it, even granting all that the Chief Engineer has said—and I take much of what he had said, as he is an expert in the matter—even granting that a substantial amount of damage is being caused to

the roads, the question is whether such damage can effectively be prevented by this legislation. Or, is this legislation giving a hand to the subordinate staff to become more corrupt, leaving the roads as bad as at present? And, as an additional burden is sought to be imposed on the poor people who make a living out of these springless carts, I think it is only proper that the House ought to be in possession of the amount of damage these carts cause to the roads. Many a class of people are going to be adversely affected by this legislation. Unnecessary additional expenditure will have to be incurred by the poor owners of these country carts, and they may have to undergo serious hardship on account of the persecution by the subordinates of the P. W. Department or of any other Department to which the administration of this measure may be entrusted by Government. I do not know if the Government have in view to entrust it to the Police Department which already has too much in its hands and about which there is loud complaint from the people from all parts of the country. No assurance is forthcoming from the Government that this Bill would not be entrusted to the Police Department. I may say that if it is to be entrusted to the Police Department, the provisions of this measure, however unexceptionable or advantageous they may be to the people in themselves, are sure to be utilised for the detriment of the people. Therefore, if there is the slightest chance of the measure being entrusted to the police, on that ground alone, apart from any other reason, I would raise my emphatic protest against the enactment of this piece of legislation. Apart from other matters, I should very much like to have an assurance from the Government that there is not even the remotest chance of the police being entrusted with this work also. With regard to the P. W. Department also, there is much chance of the subordinates misusing the provisions and of molesting the poor people in the country.

Further, a lot of information on various points relating to the Bill have to be collected and furnished to the House before it is asked to give its assent to a measure of this kind. For instance, the unnecessary extra investment that the poor cart-owner will have to make, the heavy cost that the Government will have to incur for administering this piece of legislation, the saving that is likely to be effected in the cost of the maintenance of these roads, on all these matters there does not seem to be enough information now available. It is quite possible, Sir, that these carts are really doing a lot of havoc to our roads. Even conceding that, if it is possible to maintain our roads in good order without harassing such a lot of poor people and without doing damage to the freedom of the people and to the means of livelihood of a good number of His Highness' subjects, why should we go in for such a piece of legislation? It would be better for us, I think to wait and see whether in any other part of India this piece of legislation is passed, and how it works there. Of course, if the Chief Engineer, or the Law member, can convince us by statistics that the measure is not going to cause serious hardship to the people, that it is likely to do more good

[Mr. K. Kunjukrishna Pillai.]

than harm, that the saving in the cost of maintenance would be tremendous, compared to the small expenditure to the cart-owners, and that the enactment of this measure would prevent or minimise the damage done to the roads, then there is no objection to a measure of this kind. But, I do not find, in the present instance, that such a case has been made out. I am sorry, therefore, that I cannot give my support to the principle of this Bill.

MR. M. GOVINDAN (*Nominated*): Sir, I rise to oppose the motion. I do not propose to make a long speech. All that I mean to point out is that no proper case has been made out, either by the learned Law Member or by the Chief Engineer, for the necessity to enact this piece of legislation. In the first place, no statistics appear to have been collected, and no model has been followed. I agree with the learned member who spoke before me that, for the mere reason that it is a new piece of legislation that is contemplated, we should not reject it. But, the very novelty of it may be due to the fact that it was not found practicable in other parts of the country to work such a piece of legislation. That is perhaps the reason why there is no such piece of legislation elsewhere. There is manifest injury done to the roads here. Whether it is the present width of tyres that causes the injury does not appear to have been carefully investigated and decided upon. This is not a new idea, so far as I know. Mr. Westerdale, certainly, is not responsible for initiating this piece of legislation. About 7 or 8 years ago, a circular went round, and some of us had to send up suggestions as to how this country-cart traffic could be regulated. So, perhaps it was being developed from year to year; and the result is the present Bill. One very objectionable feature of it is that these provisions may be administered by the low-paid subordinates of certain Departments; and these subordinates may abuse or misuse.....

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*): Does the member include the Police Department also?

MR. M. GOVINDAN (*Nominated*): I do not mean to point out any Department. It rests with the Government to ask any particular Department to administer the provisions of this Bill.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*): Am I to understand that the member has absolutely no confidence in any Department in the State?

MR. M. GOVINDAN (*Nominated*): Not that. I do not say that they are all bad. For instance, it rests with the subordinates to regulate the weight of the load. Suppose a cart is overloaded. If the subordinate officer suspects that it is overloaded, he can take it to a weighing station. That means the arrest of the cart. The cart and its load may be owned by distinct persons and either may be innocent. Still, the cart and the load will have to be taken to the weighing station. So, unless a strong case is made out, I think the House should not lend its support to this piece of legislation. I, therefore, strongly oppose the motion.

MR. P. S. MAHOMED (Nominated): സർ, ഇപ്പോൾ വാദപ്രതിവാദത്തിലിരിക്കുന്ന ബിൽ പാസാകുന്നപക്ഷം അതുകൊണ്ടുള്ള പ്രധാനമായ ഉപദ്രവം ക്രമീവേലക്കാക്കാണ് എന്നു പറയാതെ തരമില്ല. ഇന്ന് സ് പ്രിംജ് ലെസ് കാർട്ടിന്റെ ഉടമസ്ഥന്മാർ വേറെ ആളുകളാണെങ്കിലും അതു ഉപയോഗിക്കുന്നതു മുഴുവൻ ക്രമീവേലക്കാരാണ്. ഈ ബില്ലുകൊണ്ട് അവർക്കു ഉപദ്രവം വല്ലതുമുണ്ടാകുമൊ എന്നാണ് ഇനി ചിന്തിക്കേണ്ടതു്. എന്റെ സ്പീക്കർമാർ പലരും പറഞ്ഞപ്രകാരം ഈ ബില്ലുകൊണ്ട് പല ഉപദ്രവങ്ങളും ഉണ്ടാകാനിടയുണ്ട്. എന്നാൽ ഇതുകൊണ്ടു ഗുണമുണ്ടാകുമൊ എന്നു നോക്കുന്നപക്ഷം ചീഫ് എൻജിനീയർ പറഞ്ഞതുപോലെ റോഡിനു കേടുവരുത്താതെ സൂക്ഷിക്കു എന്നൊരു ഗുണംമാത്രമെ ഉണ്ടാകാൻ തരമുള്ളൂ. അതുതന്നെ സാധ്യമാണൊ എന്നു കണ്ടുതന്നെ അറിയേണ്ടതാണ്. ടയറിന്റെ വീതി കൂട്ടുന്നതുകൊണ്ടു വണ്ടിവലിക്കുന്ന മൃഗങ്ങൾക്കും മൃഗങ്ങളെക്കാൾ കൂടുതൽ ബുദ്ധിമുട്ടു തന്നത്താൽ വണ്ടിവലിക്കുന്ന മനുഷ്യർക്കും ഉണ്ടാകുമെന്നുള്ളതിന്നു യാതൊരു സംശയവുമില്ല.

MR. K. KUNJUKRISHNA PILLAI (Quilon): ആളുകൾ മൃഗങ്ങളുടെ കൂട്ടത്തിൽ ചേരുകയില്ല എന്നു ഈ ബില്ലിലുള്ള പ്രൊവിഷൻസിൽ നിന്നും മെമ്പർ മനസ്സിലാക്കിയിട്ടില്ലെ?

MR. P. S. MAHOMED (Nominated): മൃഗങ്ങളാണ് വണ്ടിവലിക്കുന്നതെങ്കിലും അവയെ നയിച്ചുകൊണ്ടുപോകുന്നതു ക്രമീവേലക്കാരാണ്. വണ്ടിയെ ശരിയായി നയിക്കുന്നതിന്നു അതു വലിക്കുന്ന മൃഗങ്ങളെപ്പോലെയൊ അതിൽ കൂടുതലൊ പ്രയാസം അതു നയിക്കുന്ന ആളിനുണ്ട്. അവസാനത്തിൽ മൃഗങ്ങൾക്കും അതിനെ നയിക്കുന്ന ആളുകൾക്കും അപായങ്ങൾ ഉണ്ടാകാനിടയുള്ളതാണ്.

ഓവർലോഡിനെപ്പറ്റി പറയുകയാണെങ്കിൽ ഇന്നുമോട്ടാർവാഹനങ്ങളിൽ നടക്കുന്ന സമ്പ്രദായം നമുക്കു നല്ലവണ്ണം അറിയാം. നിയമങ്ങളെല്ലാം ഉണ്ടായിട്ടും മോട്ടാർവാഹനങ്ങളിൽ മുന്തിലത്തെക്കാൾ ഡ്രൈവർമാരായിട്ടു ഓവർലോഡു കയറ്റിക്കൊണ്ടിരിക്കുന്നു. അതുനിമിത്തം വേറെവല്ലവർക്കും സൗകര്യമുണ്ടെന്നല്ലാതെ ഗവണ്മെന്റിന്റെ ഉദ്ദേശം സാധിച്ചിട്ടില്ല. റോഡുകൾക്കു കേടുകൾ വന്നുകൊണ്ടിരിക്കുകതന്നെ ചെയ്യുന്നു. അതുപോലെ ഈ നിയമം അനുസരിച്ചു കരെ ആളുകളെ ഉപദ്രവിക്കാമെന്നല്ലാതെ റോഡുകൾക്കു വരുന്ന നഷ്ടങ്ങളെ തടക്കാൻ സാധിക്കുകയില്ല; അതു വന്നുകൊണ്ടുതന്നെയിരിക്കും. ഇതിന്നുപുറമെ

[Mr. P. S. Mahomed.]

രജിസ്ട്രേഷൻഫീസ് എന്ന ഇനത്തിൽ പ്രത്യേകം തരത്തിലുള്ള ഒരു നികുതി കൂടി ചുമത്തുന്നുണ്ട്. ഇങ്ങിനെ ഏതു വശത്തിൽ കൂടി നോക്കിയാലും ഇതു സാധുജനങ്ങളെ ഉപദ്രവിക്കുന്നതിനു പര്യാപ്തമായ ഒന്നാകയാൽ ഞാൻ ഈ ബില്ലിന്റെ മൂലതത്വത്തെ എതിർക്കുകതന്നെ ചെയ്യുന്നു.

MR. K. P. ABRAHAM (*Muvattupuzha cum Todupuzha*): Sir, I rise to oppose the principle of the Bill. This is a Bill which affects the poor section of the people, particularly those living in rural areas. In rural areas the number of roads are few, and the available vehicle is only the bullock-cart. By imposing restrictions on these bullock-carts, the Government would only be adding an additional burden to be borne by the people. If the bullock-cart owners are burdened with registration fees and other charges, they would of course indirectly tax the people who use these carts. So, it will indirectly affect the general body of the people who are compelled to use these carts. Again we have no assurance, either from the Law member or from the Chief Engineer, that, by introducing this Bill, we would be having a proportionate advantage. We were told by the Chief Engineer that there would be, of course, some reduction in the damage done to our roads and not entire avoidance of the damage. I know one road between Alwaye and Perumbavur, which is in a very miserable condition. On that road there are a number of bullock-carts plying, and also a number of motor buses running. Probably, as the Chief Engineer has explained, nobody might know which of these has contributed to the damaged condition of this road. We cannot positively say which is the main cause of the damaged condition of the road. The Chief Engineer told us that the bullock-carts might have started the damage while it might have been developed by the motor buses. As a matter of curiosity, when I was coming here this time, on my way, I measured the width of the tyres of a few carts. I found that they were two *virals*—according to the Asari's *muzhakole*,—about two inches, I think. I refer to that fact because it is such kind of carts that are being used on these roads even now. So, although the width of the tyres of the carts now in use is as provided by this Bill, still the damage remains, so that we are not likely to be in a better position by the passing of such a piece of legislation. With regard to the provisions of this Bill itself I have to observe that clause 5 dealing with different weights on different kinds of roads is particularly dangerous. Of course, a man may have to use in the same journey, all the different kinds of roads, metalled, gravelled and all other kinds of roads. A man starting with a cart, having certain amount of load on a particular road that is metalled, will often have to pass the gravelled road or any other kind of road before he reaches his destination. According to this Bill, he will have to change the load with the change in the nature of the road. That will be a great trouble to the owners of these carts. Again in regard to passengers, of course, their weight also will have to be taken into consideration according to this

Bill. And in rural parts the bullock-carts are frequently used by passengers. If the passengers on their way are to submit to the checks of the subordinates of any Department, that will be entrusted with the checking of the weights in the carts, they will have to undergo immeasurable worry and annoyance and delay on the high way. If this Bill becomes law in our State, bullock-carts will either cease to exist at all, or at any rate they will cease to be cheap and convenient. With these words, I oppose the principle of the Bill.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara*): Sir, I rise to oppose the motion before the House, even though perhaps the Law Member is to be congratulated for having come out with a novel and original piece of legislation, so far as Travancore or, at any rate, India is concerned. I would, at the very outset, characterise this Bill as an unwanted piece of legislation: and if it becomes law, I am sure Sir, that we would be giving a further handle for mischief to the minions of law and order. I ask you, Sir, what is the urgent necessity for such a pernicious piece of legislation?

The Chief Engineer said that, so far as the two roads mentioned by him are concerned, there was increasing damage done by these springless carts. But even there, he was not able to enlighten us as to the extent of the damage caused by these springless metal-tyred carts. So, on such slippery basis, certainly it will be very unsafe to draw any general proposition so as to apply to the whole State. To a question from my friend Mr. Thanu Pillai, the Chief Engineer was not able to give us the approximate number of these carts now existing in the whole State. But I can assure the Chief Engineer that the number of such carts now in use is certainly going down and that we have not got as many of such carts now as before. A good portion of the load which used to be conveyed by these carts is now being transported by means of lorries. Any way, it is clear that there is no urgent necessity for introducing such a drastic measure; and, as for the harm likely to be caused by the enforcement of the Bill as my friend Mr. P. S. Mahomed said, it is the labourer that would be hit hard. It is the poor man that would be injuriously affected. The imposition of the registration fees would hit hard these poor men. There are also other practical difficulties in the way as has been already pointed out by some of my friends. How is a poor driver to know exactly the quantity of the load which he is carrying in his cart? Even the slightest excess will draw him into the clutches of the penal provisions contained in Section VII of the Bill. A Magistrate can fine him twenty-five rupees for the first offence; and, for a repetition of the same offence, he may be fined up to five hundred rupees. Whether or not he is convicted, the Magistrate has also the discretion to seize the cart and forfeit it to Government. In the light of such drastic and sweeping provisions and in view of the fact that there is absolutely no necessity established for the Bill and also in consideration of the fact that even in British India, which is our time honoured guide, in the field of legislation there is no such enactment, I would oppose the introduction of this Bill. I am at

[Mr. N. K. Krishna Pillai.]

one with Mr. Nadar and my friends on this side of the House who have said that this is a piece of legislation which should be knocked down even at this initial stage. With these observations, I oppose the motion.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I find that my small Bill has had a very large opposition. Still, after hearing all that has been said against it, I doubt whether there is any real need for so much opposition; at any rate at this stage.

The issues on which the acceptability of this Bill depends are very few and simple. The first point to consider is, is there or is there not damage done to our roads on account of the narrow tyres of springless carts? Upon that point an assurance has been given by the Chief Engineer, who is in charge of our roads and who is an expert; and, I think that may be accepted.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): May I know whether it may not be due to the maintenance grant not being spent properly on the roads?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No. The Chief Engineer has specifically stated that if a cart has a wider tyre, the damage caused to the roads would be comparatively less than if it had a narrower tyre.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): May I know whether the Chief Engineer has ever travelled in these bullock-carts?

MR. J. S. WESTERDALE (*Chief Engineer*): I have; I have now been in India for nearly 23 years.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): We have, Sir, the assurance of such an experienced officer on the first and the main issue that there is damage caused to our roads by the narrow tyres of springless carts.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): May I know whether such damage is appreciable?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes, I was going to say that. Although definite statistics may not now be available as to the extent of damage caused exclusively by these carts, there can be no doubt that the damage caused is considerable and appreciable.

The second question is whether, having found that there is real and appreciable damage caused by these carts, the House would not agree that a suitable remedy should be devised. The remedy now proposed is to ask these carts to provide themselves with proper tyres. The question arises whether that is going to cause hardship to the owners of these carts; and, if so, what is the extent of such hardship; will it be comparatively too much, having regard to the evil sought to be remedied, namely, the damage caused to our valuable roads.

My point is that the cost that will have to be incurred, for substituting proper tyres, will not be more than eight or ten rupees: and that is not much considering the serious damage done to our roads.

MR. A. THANU PILLAI (*Trivandrum*): The wheels will also have to be changed when the tyres are changed. That would certainly mean much more than Rs. 10.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The wheels may cost about twenty rupees, I admit.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): May I know the number of such carts in Travancore?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I am not now in a position to give that information.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): May I have the number of such carts, at least in one taluk or municipality?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I do not know that either.

MR. K. P. ABRAHAM (*Muvattupuzha cum Todupuzha*): Will not the registration of these carts entail some fee?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That is not considerable. The fee is intended just to cover the actual expenses on the machinery necessary for effecting the registration. A perusal of the Bill will show that it is not intended to be a source of revenue at all, and that there is only one initial registration and not an annual registration.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): Why should there be any fee at all for the registration?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It certainly involves some work, and some staff is necessary for the purpose. And further, that point does not affect the principle of the Bill.

Again it was suggested by Mr. P. S. Mahomed and some other members that this measure is likely to become an engine of oppression to the poor people of the country. I do not think so; and that point also does not practically relate to the main principle of the Bill. The main question involved in the Bill is whether this measure would adequately remedy the damage done to our roads by these vehicles; and we have found that it is the narrow tyres of these carts that are responsible for much of the damage done to our roads. Therefore, the best and perhaps the only possible remedy is, to enact a measure insisting upon wider tyres.

MR. RAMA VARMA RAJA (*Edavagai*): കാളകരക്കു നേരിട്ടു നല്ല ബിരുദിനെപ്പറ്റി ഒന്നു പറഞ്ഞു കാണുന്നില്ല.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): കാളകരക്കു സാമാന്യ ബിരുദമൊന്നുമില്ല.

[Mr. Kayalam Paramesvaran Pillai]

I said, in my original speech, that even now the width of the tyres of these carts is one and a half to one and three-fourths inches; and Mr. Abraham has just now stated that, in his constituency, it is even more than two inches. Therefore, it is not a very serious change that is now sought to be effected in the matter.

MR. A. THANU PILLAI (*Trivandrum*): Then, where is the necessity for this piece of legislation?

MR. RAMA VARMA RAJA (*Edavagai*): ടയറിന്റെ സർഫസ് കൂടുതലാകും വലിക്കാനുള്ള ബുദ്ധിമുട്ടു കൂടുന്നു എന്നുള്ള തത്വം സമ്മതിക്കുന്നുണ്ടോ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The Chief Engineer said that, *within limits*, the increase in the width of tyres would be of help to the animals.

MR. RAMA VARMA RAJA (*Edavagai*): അതു രണ്ടിഞ്ചാണോ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The Chief Engineer repeated the expression *within limits*. He said that, within limits, broader tyres would be easier for the bulls.

I was submitting, Sir, that the only question that has to be considered is whether the House could not allow some remedy being devised for the serious damage caused to our roads on account of these vehicles. If the House is agreeable to that principle, then, I submit the other details could be worked out, as far as possible, in the Select Committee. We need not discuss them here.

The other point that may be considered is whether the restriction that is sought to be imposed in regard to the width of tyres and the weight of the load, is going to work as a serious hardship to the owners of these carts. The provisions in the Bill state that only the carts to be made hereafter should at once have wheels with broader tyres as provided in this Bill, and that, in the case of the carts now in existence they need be provided with broader tyres only within a year. As I have already pointed out, the material point to be considered is whether the House is going to insist on broader tyres or not. What should be done with the existing carts, and such other matters, may very well be considered in the Select Committee.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jennies*): ടയറിന്റെ വീതി കുറവു കൊണ്ടാണ് റോഡിനു കേടു വരുന്നതെന്നു പറഞ്ഞു. ആ കണക്കനുസരിച്ചു കാളകളുടെയും കരിങ്കളകളുടെയും കളമ്പിന്റെ വീതി രണ്ടിഞ്ചിൽ കുറവായിരുന്നാൽ റോഡിനു കേടുവരാതിടയില്ലെ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That has nothing to do with the question now under consideration.

MR. K. P. ABRAHAM (*Muvattupuzha cum Todupuzha*): കളമ്പുകൾക്കു ഇരുമ്പുകൊണ്ടു ലാടം തറയ്ക്കാറുള്ളതായിട്ടറിയാമോ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): അറിയാം.

MR. K. P. ABRAHAM (*Muvattupuzha cum Todupuzha*): ലാടം തറച്ചു കളമ്പുകൾ കൊണ്ടു മൃഗങ്ങൾ റോഡിൽകൂടി നടന്നാൽ റോഡിനു ഉപദ്രവം ചെയ്യുകയില്ലെ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): If that is found to cause considerable damage to our roads—that is a hypothetical proposition—I have absolutely no objection to Mr. Abraham bringing forward a bill for that purpose; only Government have not found any need for that.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*): May I know whether, if some of these springless carts carry passengers, in such cases also, the *weight* of the passengers would be taken into consideration instead of the number?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It was only here, just now, that it has been pointed out by Rao Bahadur Venkatarama Aiyar that some of these carts are used, in some localities, for passenger traffic also. We never contemplated that. Of course, this matter may be considered in the Select Committee.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*): My question is whether, in the case of such carts, the calculation would be made on the basis of the weight of the passengers or their number; for, some passengers may be fat and others may be slender. (*Laughter.*)

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That is not going to affect the owners of these carts prejudicially; because, let us take it that the maximum number of persons who can travel in one of such carts would be ten; ordinarily, even the fattest passenger will not weigh more than 200 lbs. So, the whole weight of the load would only be 2,000 lbs., that is, less than a ton.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): May I know from the Law Member whether the question has been definitely ascertained whether it is the tyres that damage the roads or the bad roads that damage the tyres? (*Laughter.*)

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That question does not arise.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): Is it not a reverse statement; and therefore does it not follow logically?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It may be a reverse statement. But it does not follow logically.

[Mr. Kayalam Paramesvaran Pillai.]

It has been found that the damage is being caused to the roads on account of narrow tyres; and the question is whether the *general tax-payer* should be called upon to spend more and more for the repairs and maintenance of these roads instead of particular individuals being asked to spend something extra just once and that in regard to carts to be made hereafter.

MR. A. THANU PILLAI (*Trivandrum*): May I have an idea of the total investment of an owner of one of these carts?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It will be about Rs. 70.

MR. A. THANU PILLAI (*Trivandrum*): And now he has to find about Rs. 30 more.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The wheels alone need be changed.

MR. J. S. WESTERDALE (*Chief Engineer*): In regard to the question put by Mr. Nadar a little while ago about the tyres being damaged by bad roads, may I point out that the narrow bullock-cart tyres damage the roads first and that such damaged roads then damage the good tyres of motor cars.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The real issue therefore, Sir, is whether the general tax-payer should be called upon to spend more and more on the maintenance of roads when it could be avoided by just some individuals being called upon to make a small additional investment on the wheels of their carts.

MR. A. THANU PILLAI (*Trivandrum*): What will be the extent to which the general tax-payer would be affected by enacting this legislation, by the enhancement in the price of fuel, for instance?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I do not think it will substantially be affected; because, the additional expenditure likely to be caused by the proposed measure will not be more than a rupee or two.

MR. A. THANU PILLAI (*Trivandrum*): Including the cost of the wheels which also have to be made to suit the broader tyres?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Not even then.

MR. A. THANU PILLAI (*Trivandrum*): Should not the wheels suit the tyres?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I am not now speaking with regard to the carts now in existence. I am referring to carts coming into existence hereafter. As I have already stated, at present, the carts have tyres one and a half or one and three-fourths inches wide. A pair of wheels with such tyres may cost at present, say, about Rs. 20 or 30. I daresay, a pair of wheels

with tyres two inches broad is not going to cost more than just one or two rupees more than a pair of wheels with tyres one and a half or one and three-fourths inches broad. The additional cost due to the increase in the width of the tyres by quarter of an inch is not going to be more than a rupee or two. That is my point. The carts to be made hereafter should certainly have some wheels. The Bill now proposes that, instead of making wheels to suit tyres one and three-fourths inches broad, they should be made to suit tyres two inches broad. The additional cost involved is not therefore appreciable in the case of carts to be made hereafter.

MR. A. THANU PILLAI (*Trivandrum*): May I know the basis of the statement that the additional expenditure involved will only be a rupee or two?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I think the additional cost would not be more than that. I am prepared to accept the statement of any other member in the matter. Therefore, sir, the main question is whether the House would have more and more of the general tax-payers' money being spent on the maintenance of our roads, or would have just a few individuals suffering two or three rupees of additional investment on their carts.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): There is also the further question as to the additional investment in the case of the existing carts.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I shall refer to that question presently. The question is whether the House is going to allow a couple of rupees more to be spent on the carts of particular individuals or whether they would have thousands of rupees more of the general tax-payer's money being spent on the repair and maintenance of roads.

As regards the existing carts, I admit the wheels will have to be changed, and the additional investment would be about Rs. 20 or Rs. 30. My submission is that what exactly should be done with regard to the carts now in existence without causing much hardship to the poor owners, is a matter which could be satisfactorily settled by the Select Committee.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Is the member satisfied that there will be appreciable benefit to the general tax-payer by this measure being enacted and by the poor cart owners being compelled to suffer additional investment?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes.

MR. S. KRISHNA PILLAI (*Karunagapalli*): The member has all along been only quoting the Chief Engineer in the matter. I want to know whether personally he has satisfied himself in the matter.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Government are satisfied with the assurance given to them by their expert.

MR. S. KRISHNA PILLAI (*Karunagapalli*): But, are they able to furnish any data from which we could satisfy ourselves that this is a real necessity?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Government are satisfied that considerable damage is being caused to the roads on account of springless carts with narrow tyres.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Am I to understand that Government have been convinced that the damage now caused by tyres one and three-fourths inches broad is considerably more than the damage likely to be caused by tyres two inches broad?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Putting along with this, also the restriction in regard to the load, Government are satisfied with the assurance of their expert in the matter.

MR. RAMA VARMA RAJA (*Edavagai*): ഈ ബില്ലുകൊണ്ടു രണ്ടിഞ്ചിൽ കൂടിയ വീതിയുള്ള ടയർ ഉണ്ടാക്കിക്കൂടാ എന്നു വരുന്നുണ്ടോ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): ഇല്ല.

MR. RAMA VARMA RAJA (*Edavagai*): രണ്ടിഞ്ചിനു പകരം നാലിഞ്ചു വീതിയിൽ ടയർ ഉണ്ടാക്കിയാൽ കാളയ്ക്കു വലിക്കാൻ പ്രയാസമായിട്ടു വരികയില്ലെ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): If my friend is keen on safeguarding the interests of the bullocks, I may point out that there is absolutely no objection to his bringing forward a Bill protecting the interests of bulls. I am now concerned with the roads.

MR. A. THANU PILLAI (*Trivandrum*): It has been observed, Sir, in the course of the debate, that one cart-load of fuel now brought to Trivandrum from Neduvangad would weigh about a ton. If this measure is passed, may I know how many carts would be required to bring a ton of fuel from Neduvangad to Trivandrum? I think three carts would be required to carry a ton of fuel from Neduvangad to Trivandrum; because from Neduvangad to Trivandrum, the cart has to pass through all sorts of roads, and not merely metalled or gravelled roads. Under the provisions of the Bill, the load should not be more than one-eighth of a ton per inch width of tyre in the case of roads which are neither metalled nor gravelled. So, taking into account the weight of the vehicle also, the load in a cart should not exceed about a third of a ton.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I am not able to follow the member.

MR. A. THANU PILLAI (*Trivandrum*): It is a matter of pure arithmetic. The total width of the two tyres together is four inches, and the maximum load, allowed under the provisions of the Bill, is

half a ton for a cart with such tyres. Therefore, making allowance for the weight of the cart also, the load should not exceed more than about a third of a ton. Therefore, while the price of a cart-load of about a ton of fuel is now Rs. 8 or Rs. 9, it would go up to Rs. 25 or Rs. 30 if this Bill is passed into law.

MR. J. S. WESTERDALE (*Chief Engineer*): May I intervene, Sir, because the debate is now going on a wrong hypothesis. The bitumen treated roads in Trivandrum will be classed as metalled roads under the Bill; and so, the carts could carry more than half a ton.

MR. A. THANU PILLAI (*Trivandrum*): The cart from Neduvangad may have to pass through country roads also. It is only the main road from Neduvangad to Trivandrum and the roads in the Trivandrum town that are metalled roads. The cart cannot have a particular load when it starts from Neduvangad, and a heavier load as it enters this town.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I do not think there is much room for discussion in regard to the main principle of the Bill.

MR. A. THANU PILLAI (*Trivandrum*): But, it should be workable in practice.

MR. KAYALAM PARAMESWARAN PILLAI (*Additional Head Sirkar Vakil*): Yes, certainly.

Sir, if the principle is accepted, *viz.*, that the width of the tyres and the corresponding loads in carts may be regulated by legislation, the other questions are all matters of detail which may be considered by the Select Committee.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): The conclusions arrived at by the Select Committee cannot in any way affect the laws of science and the rules of arithmetic. If according to the expert adviser of Government, namely the Chief Engineer, a cart could carry ordinarily only about one-third of a ton, how can the Select Committee be expected to alter that? I suppose the opinion of the expert embodied in the Bill is based on scientific calculation. The weight prescribed under the Bill is I suppose the maximum that could be allowed consistent with the safety of our roads.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): But that point may be examined further, and there is nothing to prevent the expert reconsidering the question on the lines of the practical aspects suggested by the other members of the Select Committee. Sir, in human affairs it is not possible to reach the ideal state of affairs. It may therefore be likely that this measure also is not likely to work with all round perfection. After all, it is a question of expediency; and if it is found in the Select Committee that some changes have to be made in regard to the load and such other matters of detail, there is absolutely no objection to the necessary changes being made, if the principle of the Bill is now accepted. And, even the question as to whether the measure is likely to work as an engine of oppression in the

[Mr. Kayalam Paramesvaran Pillai.]

hands of the subordinates of the Department, and the question whether there should be any further legislation, and all such other matters, may be considered and set right in the Select Committee. I would therefore ask my friends to consider now the main question whether they are prepared to undertake a legislation for the purpose of regulating the width of tyres in springless carts in the interests of the general taxpayer, lakhs and lakhs of whose money are now being spent for the maintenance of our roads.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): May I ask the Law Member why, in clause 30 of the Bill, punishment by death or by transportation for life, or by lynching as it is done in America, has not been prescribed?

PRESIDENT: You need not answer that question Mr. Paramesvaran Pillai.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I have not got the slightest objection to Mr. Nadar tabling an amendment to that effect. (*Laughter*).

The motion to introduce the Travancore Width of Tyres Bill was then put to the vote of the House and lost.

The Council adjourned for lunch at 2-20 P. M. and met again at 3-15 P. M., the Deputy President presiding.

DEPUTY PRESIDENT: As the Dewan President is suffering from cold, he is not able to preside; I have therefore to preside over the deliberations of the Council now.

THE TRAVANCORE TOWN-PLANNING BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, the next item of business is the Town-Planning Bill. Yesterday, I presented the report of the Select Committee on that Bill and moved that the Bill as reported by the Select Committee be taken up for consideration. As it was suggested by some of the members of the House that the consideration of the Bill might be postponed to this day, it was postponed. I now beg to move for the consideration of the Bill being resumed.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): I second it.

The motion was put to the vote of the House and carried.

Clause I.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): Sir, I beg to move the following amendment:—

“In sub-clause (3), insert “1115” after the word “on”.

Sir, the Bill makes provision for the appointment of a Director for Town-Planning and also for the necessary establishment for that Officer. If the Bill is to come into operation next year, the Financial Secretary will, of course, stand up at the end of this year and move for a grant of about a lakh of rupees for that purpose.